

**BERNARDSVILLE BOROUGH  
ORDINANCE #17-1751**

**INCREASING AND AMENDING POSITIONS IN THE POLICE DEPARTMENT  
AND AMENDING CHAPTER II OF THE BOROUGH CODE  
ENTITLED "ADMINISTRATION"**

**WHEREAS**, N.J.S.A. 40A:14-118 provides that:

“The governing body of any municipality, by ordinance, may create and establish, as an executive and enforcement function of municipal government, a police force, whether as a department or as a division, bureau or other agency thereof, and provide for the maintenance, regulation and control thereof. Any such ordinance shall, in a manner consistent with the form of government adopted by the municipality and with general law, provide for a line of authority relating to the police function and for the adoption and promulgation by the appropriate authority of rules and regulations for the government of the force and for the discipline of its members. The ordinance may provide for the appointment of a chief of police and such members, officers and personnel as shall be deemed necessary”; and

**WHEREAS**, the New Jersey Supreme Court in Reuter v. The Borough Council of The Borough Of Fort Lee, 167 N.J. 38, 41 (2001), held that the plain language of N.J.S.A. 40A:14–118 and the policies underlying it require the type and number of police positions to be created by ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter II of the Borough Code entitled “Administration” is hereby amended as follows:

**Section 1.** Subsection 2-24.1 “Establishment” in §2-24 entitled “Police Department” is amended to read as follows:

**2-24.1 Establishment.** There is hereby created in and for the Borough of Bernardsville a police department which shall include the following sworn officers:

- One (1) Chief of Police
- Two (2) Lieutenants
- Five (5) Six (6) Sergeants
- ~~Ten (10)~~ Eleven (11) Patrol Officers

**Section 2.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

ATTEST:

\_\_\_\_\_  
Anthony Suriano, Acting Clerk

By: \_\_\_\_\_  
Kevin Sooy, Mayor

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*Introduction:* \_\_\_\_\_

*1st Publication:* \_\_\_\_\_

*Public Hearing and Adoption:* \_\_\_\_\_

*2nd Publication:* \_\_\_\_\_